

5. The Court has personal jurisdiction and venue is proper, because the parties are residents of this judicial district and the events or omissions giving rise to Plaintiff's claims occurred within this judicial district.

6. The Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, because Plaintiff asserts a violation of his constitutional rights under 42 U.S.C. § 1983.

BACKGROUND

7. On the afternoon of May 20, 2020, Plaintiff Sheldon Mack was seated in a vehicle in an alley next to a residence in the City of Evanston.

8. An Evanston Police sergeant approached and decided to arrest Mr. Mack for operating the vehicle while his driver's license was revoked.

9. Defendant Evanston Police Officer Servatius, #253 arrived on scene and approached the vehicle.

10. After Officer Servatius approached the vehicle, the sergeant ordered Mr. Mack out and placed Mr. Mack in handcuffs.

11. The sergeant searched Mr. Mack and confirmed that Mr. Mack did not have any weapons.

12. Officer Servatius then walked Mr. Mack to his squad car, searched Mr. Mack again, and again confirmed that Mr. Mack did not have any weapons.

13. Officer Servatius saw that the only items Mr. Mack was carrying, including a cell phone and cigarettes, were not dangerous.

14. Officer Servatius placed the handcuffed Mr. Mack in the back of his squad car and transported Mr. Mack to the Evanston police station.

15. As Officer Servatius was uncuffing Mr. Mack at the Evanston police station, Mr. Mack's cell phone began to ring.

16. Mr. Mack attempted to check his cell phone, but did not take any action that would have constituted a threat to Officer Servatius.

17. Officer Servatius responded by slamming Mr. Mack to the floor.

18. As a result, Mr. Mack suffered injuries, including a broken rib, pain and suffering, and mental and emotional distress.

**EXCESSIVE FORCE
(Against Defendant Officer Servatius)**

19. Plaintiff repeats and realleges Paragraphs 1-18 as though fully set forth herein.

20. Defendant Officer Servatius' actions were a deliberate and malicious deprivation of Plaintiff's right against excessive force guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution.

21. As a direct and proximate result of the unreasonable and unjustifiable force used by Defendant Officer Servatius, Plaintiff suffered injuries, including a broken rib, pain and suffering, and mental and emotional distress.

**INDEMNIFICATION
(Against City of Evanston)**

22. Plaintiff repeats and realleges Paragraphs 1-18 as though fully set forth herein.

23. In Illinois, public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities. 735 ILCS 10/9-102.

24. Defendant Officer Servatius was an employee of the City of Evanston and acted within the scope of his employment in using excessive force against Plaintiff.

25. Accordingly, Defendant City of Evanston is liable to pay any judgment for compensatory damages in this matter.

WHEREFORE, Plaintiff Sheldon Mack respectfully requests that the Court enter judgment in his favor and against Defendants Evanston Police Officer Servatius, # 253 and City of Evanston, awarding Plaintiff compensatory and punitive damages, pre and post-judgment interest, costs, attorney fees, and such other and further relief the Court deems just.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Date: May 15, 2022

Respectfully Submitted,

SHELDON MACK

By: /s/ Marko Duric

Robert Robertson
Marko Duric
ROBERTSON DURIC
One North LaSalle, Suite 300
Chicago, IL 60602
(312) 223-8600
rob Robertson1@sbcglobal.net
marko@robertsonduric.com